

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JEFFREY FINK,
Plaintiff

V.

SUN LIFE INSURANCE AND ANNUITY
COMPANY OF NEW YORK, AND SUN
LIFE ASSURANCE COMPANY OF
AMERICA,
Defendants

CIVIL ACTION NO. 05-10001-RWZ

STIPULATION OF DISMISSAL

The parties to this action, pursuant to the provisions of Federal Rule of Civil Procedure 41(a)(1)(ii), hereby stipulate that this action, including all claims and counterclaims, be dismissed, with prejudice, without costs, and all parties waiving rights of appeal.

JEFFREY N. FINK

SUN LIFE INSURANCE AND ANNUITY
COMPANY OF NEW YORK, SUN LIFE
ASSURANCE COMPANY OF AMERICA

By his attorneys,

By their attorney,

/s/ Mala M. Rafik (KHA)

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/s/ Kristina H. Allaire

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Dated: September 14, 2005

CERTIFICATE OF SERVICE

I, Kristina H. Allaire, hereby certify that I have this day served a copy of the foregoing document, by electronic mail, to Mala M. Rafik, Rosenfeld & Rafik, P.C., 44 School St., Suite 410, Boston, MA 02108.

/s/ Kristina H. Allaire
Kristina H. Allaire, Esq.

Dated: September 14, 2005